

January 19, 2016

Clerk, U.S. Bankruptcy Court

IT IS ORDERED AND NOTICE IS GIVEN that unless within 23 days of the date in the FILED stamp above an interested party BOTH: (1) files a written objection to the Motion below, SETTING FORTH the specific grounds for such objection, with the Clerk of Court (i.e., if the 5-digit portion of the Case No. begins with 3 or 4, at 1001 SW 5th Ave. #700, Portland OR 97204; OR, if it begins with a 6 or 7, at 405 E 8th Ave #2600, Eugene OR 97401), AND (2) serves a copy on the movant and any attorney for the movant at the service address(es) below, the movant will thereafter settle and compromise the matter upon the terms below and the settlement will be deemed approved without further order.



RANDALL L. DUNN
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

DISTRICT OF OREGON

In re)	
HOLMAN, JAMES JOEL)	Case No. 14-35381-rld7
HOLMAN, CANDICE EVANGELINE)	
)	MOTION AND NOTICE OF INTENT
)	TO SETTLE AND COMPROMISE,
Debtor(s))	AND ORDER THEREON

The undersigned trustee, KENNETH S. EILER, moves to settle and compromise the following described dispute upon the following terms:

The Trustee has filed suit against the Commerce Bank of Oregon to determine the extent of its lien rights, if any, to a \$10,000 carve out fee paid to the bankruptcy estate from the sale of the debtors' former residence and the debtors' beach house. The Trustee maintains that the Bank's judgment lien is subject to avoidance and/or that the carve out fee originated from a superior lien holder. The Bank disputes the source of the carve out payment and disputes that its judgment lien is subject to avoidance as to the Beach property. To settle this dispute, the Trustee has agreed to pay the Bank the sum of \$2,500 from the carve out fee and the Bank has agreed to accept that payment in full satisfaction of any lien it may have against the carve out fee. Considering the cost to litigate this matter, the uncertain outcome, and the delay occasioned thereby, the Trustee recommends the settlement.

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DATE: January 13, 2016

/s/ KENNETH S. EILER
Trustee

Service Address: PMB 810, 515 NW SALTZMAN RD

PORTLAND, OR 97229

Name of Attorney for Trustee: _____

Service Address: _____
